

Remarks

Claims 1-9 and 12-17 are pending herein. By this Amendment, claims 10 and 11 have been canceled; claims 1, 8, 9 and 15 have been amended; and new claim 17 has been added. The fee for one independent claim in excess of three is submitted herewith. In addition, Figures 4-6, 10-12 and 15 have been amended. Replacement sheets containing the corrected figures are enclosed. Furthermore, the specification has been amended to correct a minor and obvious error.

Claim 1 has been amended to include the contents of canceled claims 10 and 11.

Claim 8 has been amended so that it is now an independent claim including the contents of claims 1 and 6. Further support for the amendments to claim 8 can be found in the specification at, e.g., page 29, lines 11-15.

Support for the amendments to claim 9 can be found in the specification at, e.g., page 27, lines 14-19 and page 27, line 34 – page 28, line 4.

Claim 15 has been amended so that it is now an independent claim including the contents of claim 1.

New claim 17 is an independent claim combining the contents of claims 1, 6 and 7. In addition, claim 17 recites that when the substrate rods are in their first vertical position, an interior space of the processing vessel and interior spaces of the bellows are separated from each other. Support for this feature can be found, e.g., in Figure 12.

In the Office Action, the drawings are objected to; claims 1-7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0148566 to Kitano et al. (“Kitano”) in view of U.S. Patent Application Publication No. 2003/0178145 to Anderson et al. (“Anderson”); claims 8, 9 and 16 are rejected under §103(a) as being unpatentable over Kitano and Anderson as applied to claims 1-7 and 14 and further in view of U.S. Patent Application Publication No. 2002/0132480 to Shindo et al. (“Shindo”); claims 10-12 are rejected under §103(a) as being unpatentable over Kitano and Anderson as applied to claims 1-7 and 14 above and further in view of U.S. Patent No. 6,330,822 to Hawk et al. (“Hawk”) and U.S. Patent No. 6,460,404 to Chan et al. (“Chan”); claim 13 is rejected under

In the Drawings:

Please replace current Figures 4-6, 10-12 and 15 with corrected Figures 4-6, 10-12 and 15 respectively, set forth in the attached replacement sheets. Figures 4-6, 10-12 and 15 have been amended to replace the Japanese language labellings with English language labellings.

§103(a) as being unpatentable over Kitano, Anderson, Hawk and Chan as applied to claims 1-7, 10-12 and 14 above and further in view of U.S. Patent Application Publication No. 2002/0045008 to Toshima et al. (“Toshima”); and claim 15 is rejected under §103(a) as being unpatentable over Kitano and Anderson as applied to claims 1-7 and 14 above and further in view of U.S. Patent No. 5,804,042 to Ferreira.

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objection and rejections set forth in the Office Action.

I. Objection to the Drawings

According to the Office Action, the drawings are objected to because some of the parts are labeled in the Japanese language. Applicants submit herein replacement sheets containing corrected Figures 4-6, 10-12 and 15.

II. Rejections of the Claims

As outlined above, the Office Action sets forth a number of §103(a) rejections of the claims. All of the rejections use Kitano as a primary reference. Applicants respectfully submit that Kitano is not a proper reference under §103 for use against the claims of the instant application.

According to 35 U.S.C. §103(c)(1):

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Kitano qualifies as prior art only under §102(e). Applicants submit herewith a certified English-language translation of the priority document for the instant application, thereby perfecting a claim to foreign priority for the instant application. Thus, the instant application is entitled to a priority date of July 25, 2002. Kitano was filed in the United States on April 16, 2002, thus making it a §102(e) reference. Because Kitano was published on October 17, 2002,

i.e., after Applicants' foreign priority date of July 25, 2002, Kitano does not qualify as a reference under §102(a) or (b).

In addition, at the time the claimed invention of the instant application was made, the inventors of the instant application and the inventors of the Kitano application were all subject to an obligation of assignment to Tokyo Electron Limited.

Thus, for the reasons above, Applicants respectfully submit that Kitano is not a proper reference for use in rejecting the instant claims under §103(a).

III. Claim Amendments/Addition

As noted above, claims 10 and 11 have been canceled; claims 1, 8, 9 and 15 have been amended; and new claim 17 has been added.

In an Information Disclosure Statement filed on January 24, 2005, Applicants submitted, *inter alia*, JP02-238616A ("JP '616"), which was cited in the International Search Report for PCT/JP03/09471. For the Examiner's convenience, a copy of JP '616 is enclosed.

JP '616 discloses rods 27 and a single bellows 28 that are somewhat similar to those used in the present invention. However, JP '616 differs significantly from the present invention in at least the following way: in JP '616, the processing space and the space within the bellows 28 always communicate with each other via a path 35. This configuration is contrary to Applicants' claimed invention. Thus, Applicants submit that, for at least this reason, instant claims 1-9 and 12-17 are patentable over JP '616.

IV. Conclusion

In view of the amendments and remarks herein and attachments hereto, Applicants respectfully request that the objection and rejections set forth in the Office Action be withdrawn and that claims 1-9 and 12-17 be allowed.

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If any additional fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 033082M238.

Respectfully submitted,
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Enclosures: (1) Petition for Extension of Time
(2) Two checks totaling \$1,220
(3) Replacement Sheets for Corrected Figures 4-6, 10-12 and 15
(4) Certified English-Language Translation of the Priority Document
(5) JP02-238616A